

BUREAU OF AUTOMOTIVE REPAIR
SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

SMOG CHECK LICENSING RESTRUCTURE

Legend: Deleted text is indicated by ~~striketrough~~.

Added text is indicated by underlining.

Omitted text is indicated by (* * * *).

- (1) Amend Section 3306 of Article 2, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§3306. Licensing Official Stations; Inspection; Terms, Renewal and Replacement of Licenses

Official station licenses shall be issued and renewed in accordance with the following procedures:

(a) Licenses will be issued only after an on-site inspection of the station by a bureau representative confirms that the applicant meets the qualifications prescribed in these regulations. A station license shall expire one year from date of issue.

(b) The late renewal fee shall be \$7.50 if the bureau receives the renewal application within 30 days after the date of expiration.

(c) ~~In the event of a change of business name or address, the licensee shall submit to the bureau a Change of Name/Address/Corporate Officers or Directors, Form R-8 (Rev. 05/25/01), which is hereby incorporated by reference.~~ In the event of a change of ownership of a licensed business, a new Application for Station License, Form R-4 (Rev 11/05), which is hereby incorporated by reference, and a fee of \$10 shall be submitted to the bureau. In determining whether a fee is required, the following shall apply:

(1) "Change of ownership" means any change in legal ownership of the license or the licensed business, including the addition or the deletion of a partner, the transfer of any ownership interest between members of a family (such as by sale, gift, or the death of the legal owner or one of the owners), change of the business entity by incorporation of the business or a change in the corporate status that requires a new corporate number as issued by the Secretary of State.

(2) "Change of address" means any relocation of a licensed business not involving a change of ownership and any change in the mailing address, including a change resulting from street renumbering.

- (2) Amend Section 3340.1 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.1. Definitions.

“After repairs test” means a test performed on a vehicle after repairs have been made to that vehicle as a result of failing an inspection at a smog check station.

“ARD-exempt heavy-duty station” means a smog check test-and-repair station or a smog check test-only station that only tests and/or repairs commercial vehicles which have a gross vehicle weight rating of 10,000 pounds or greater.

“Basic area” or “Basic vehicle inspection and maintenance program area” means the smog check program conducted in any area of the state which is not classified as an enhanced vehicle inspection and maintenance program area.

“Bureau” or “BAR” means the Bureau of Automotive Repair.

“Clean piping,” for the purposes of Health and Safety Code section 44072.10(c)(1), means the use of a sample of the exhaust emissions of one vehicle in order to cause the EIS to issue a certificate of compliance for another vehicle.

“Comparative Failure Rate” or “CFR” means that the station's failure rate, under the Gold Shield Program, must be comparable to the test-only station failure rate for all non-directed vehicles of the same model-year. The station's failure rate, using initial tests, by model-year, of non-directed vehicles is applied to an industry-wide failure rate for test-only stations, calculated quarterly by smog check program area, using initial tests, by model-year, of non-directed vehicles inspected, and includes an allowable deviation to compensate for the random distribution of passing and failing vehicles based upon a 95 percent confidence level.

“Consumer Assistance Program” or “CAP” means a program of the Bureau of Automotive Repair that provides eligible motor vehicle owners the options of Repair Assistance and Vehicle Retirement.

“Dismantler” means an automobile dismantler, as defined in Section 220 of the Vehicle Code and licensed pursuant to Section 11500 of the Vehicle Code, who has contracted with the Bureau to retire vehicles from operation.

“Emissions inspection system” or “EIS” means a tamper-resistant instrument which meets the requirements of subdivision (b) of section 44036 of the Health and Safety Code and which is certified by the bureau for use in the California Smog Check program.

“Enhanced area” or “Enhanced vehicle inspection and maintenance program area” means the smog check program conducted in any part of an urbanized area of the state which is classified by the Environmental Protection Agency as a serious, severe or extreme nonattainment area for ozone or a moderate or serious nonattainment area for carbon monoxide with a design value greater than 12.7 ppm.

“Gaseous fuel” means fuel composed of propane, liquefied or compressed natural gas.

“Gold Shield station” means a registered Automotive Repair Dealer who is also a smog check test-and-repair station which has been certified by the department and meets all the requirements specified in Article 10, of these regulations.

“Heavy duty vehicle” means a vehicle with a manufacturer's gross vehicle weight rating of 8501 pounds or more.

“Household” means a family of persons or any group of two or more unrelated persons that reside together and share common living expenses.

“Implementation area” means a geographical area, in which a local district has requested implementation of a biennial inspection program pursuant to section 44003 of the Health and Safety Code.

“Initial test” means the first Smog Check inspection of a vehicle done in official test mode or pre-test mode and performed within one hundred eighty (180) days prior to a registration renewal date or a change of ownership date for that vehicle. An initial test does not include tests that are aborted before completion or tests done in the training or manual modes of the EIS.

“Non-directed vehicle” means a vehicle that was not required to be inspected at a test-only station pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code.

“Repair Assistance” means a component of the Consumer Assistance Program (CAP) that provides financial assistance for emissions-related repairs to help eligible motor vehicle owners bring their vehicles into compliance with the requirements of the Smog Check Program.

“Repair-Only station” means a station licensed by the bureau to diagnose and repair vehicles in the smog check program.

“Revivable Junk Receipt” means a receipt showing proof that the vehicle is recorded and titled as “junked” by the Department of Motor Vehicles.

“Smog Check Inspector” means an individual licensed by the bureau to inspect, and certify the emissions control systems on vehicles subject to the Smog Check Program in all areas of the state.

“Smog check program” or “program” means the motor vehicles inspection program conducted pursuant to section 44005 of the Health and Safety Code, and as hereby described in this article.

“Smog Check Repair Technician” means an individual licensed by the bureau to diagnose, adjust, and repair the emissions control systems on vehicles subject to the Smog Check Program at smog check stations in all areas of the state.

“Smog check station” or “station” means a smog check test-only station or smog check test-and-repair station licensed by the bureau in the smog check program.

“Smog check technician” or “technician” means an individual who holds one of the technician licenses specified in section 3340.28 of this article.

“Smog check test-and-repair station” or “test-and-repair station” means a smog check station licensed by the bureau to test, inspect, diagnose and repair vehicles in the smog check program.

“Smog check test-only station” or “test-only station” means a smog check station licensed by the bureau to test and inspect vehicles in the smog check program.

“Supervising technician” means the licensed technician that performs the after repairs test of a vehicle that has failed an inspection at a smog check station.

“Test-only facility” means a facility contracted by the bureau to test and inspect vehicles.

“Vehicle Information Database” or “VID” means a centralized computer database and computer network, which is readily accessible by all licensed smog check technicians on a real time basis.

“Vehicle Inspection Report” or “VIR” means an official smog check inspection report that is printed from an emissions inspection system and given to the registered vehicle owner(s) or their legal representative.

“Vehicle Retirement” means a component of the Consumer Assistance Program (CAP) that provides payments to eligible motor vehicle owners who choose to voluntarily retire their vehicles from operation rather than make emissions-related repairs to bring the vehicles into compliance with the requirements of the Smog Check Program.

Note: Authority cited: Sections 44001.5, 44002, 44072.10, 44091 and 44095, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44014.5, 44017, 44017.1, 44030, 44036, 44037.1, 44056, 44062.1, 44070, 44072.10, 44092, 44093, 44094 and 44103, Health and Safety Code; Sections 220 and 11500, Vehicle Code; and Section 11505, Government Code.

- (3) Amend Section 3340.10 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.10. Licensing of Smog Check Stations.

A registered automotive repair dealer may be licensed as a smog check station in accordance with the following:

(a) Application. An applicant for an initial or renewal license shall submit an application to the bureau on form R-12 (6/9601/11) "Application for Smog Check Station License," which is hereby incorporated by reference, along with the fee required in subsection (b).

(b) Fees. Fees are established as follows:

(1) Initial license fee \$100.00.

(2) Renewal license fee if submitted on or before the date of license expiration \$100.00.

(3) Delinquency fee if a renewal license fee is submitted after the date of license expiration \$50.00, which shall be assessed in addition to the \$100.00 renewal license fee.

(c) Term of License. A station license shall expire one year from the last day of the month in which the license was issued unless renewed, suspended, rescinded, or terminated by operation of law. The bureau may advance the expiration date to correspond with the automotive repair dealer's registration expiration date. A licensee whose license has expired shall immediately cease to inspect, test, diagnose or repair vehicles or issue certificates as part of the smog check program.

(d) Inspection. An inspection of the applicant's facility shall be made by a representative of the bureau. A license may be issued only for an applicant that meets the qualifications prescribed in this article.

(e) Replacement License. In determining whether a fee is required for a replacement license, the definitions given in section 3306(c)(1) and (2) of this chapter shall apply.

(1) In the event of a change of name or address of a licensee, a new application shall be submitted to the bureau and no fee will be required.

(2) In the event of a change of ownership of a licensed business, a new application and a license fee of \$100.00 shall be submitted to the bureau.

(3) In the event a license is lost, destroyed, or mutilated, application shall be made to the bureau for a duplicate license. The person to whom the license was issued shall furnish satisfactory proof of licensure. Upon receipt of application, the bureau shall issue a duplicate license for the unexpired term of the license. Any lost license that is later found shall be returned to the bureau.

(f) No person shall operate a smog check station unless a license to do so has been issued by the department.

(Remove from regulation the Smog Check Station Application Form 79-4 (5/89) and replace it with the updated form incorporated by reference in section 3340.10 (a))

~~INSTRUCTIONS FOR STATION LICENSE APPLICATION~~

~~Before we can issue a station license to you, we must have information required by Section 44030 of the Health and Safety Code. The Chief of the Bureau of Automotive Repair is responsible for maintaining the information you provide. The information may be transferred to other governmental agencies if the agencies need it to perform their legally required duties. You have the right to review the records maintained on you by this bureau, unless the records are identified as confidential information and exempted in Section 1798.3 of the Information Practices Act.~~

~~THIS FORM MUST BE COMPLETED AND RETURNED TO THE BUREAU BEFORE THE LICENSE CAN BE ISSUED. THE FORM IS COMPLETED AS FOLLOWS:~~

~~OWNER: Owner's Name, Social Security Number and California Driver's License Number. If business is a partnership, provide federal identification number.~~

~~DOING BUSINESS AS: Name of the business as listed on the Auto Repair Dealer registration certificate.~~

~~BUSINESS ADDRESS: Complete address where the business is being conducted.~~

~~MAILING ADDRESS: Complete address where the business receives its mail.~~

~~BUSINESS TELEPHONE NUMBER: Telephone number of the business, including area code.~~

~~ARD NUMBER: Current Auto Repair Dealer registration number.~~

~~RELATED SMOG LICENSE #: List all previously issued Smog related (MVPC or Smog Check) Station License number(s).~~

~~LICENSED INSPECTOR: Name, Inspector's License Number and Driver's License Number of Licensed Inspector(s).~~

~~REQUIRED EQUIPMENT: All of the Required Equipment listed below must be on the premises in proper working order and in calibration in accordance with the type of station license applied for. A "Test Only" station should have all testing equipment and manuals to test and/or inspect all affected vehicles including but, not limited to: BAR approved Exhaust Gas Analyzer", Tachometer (may be part of analyzer), Ignition Timing Light with advance tester, Vacuum Pump, equipment to retrieve trouble codes from on-board computers, Fillpipe Restrictor Dowel, Emission Control System Application Guide and Vacuum Routing Diagram, and BAR bulletins and publications as appropriate. In addition to the equipment for "Test Only" stations, a "Test/Repair" station is required to have engine diagnostic & repair tools for diagnosing and repairing ignition, fuel, and emission control systems and related components for each vehicle type that the station works on. This includes, but is not limited to the following: Ignition Analyzer/Oscilloscope, Cam Angle (Dwell) Meter, Digital Volt/Ohmmeter, Vacuum pressure Gauge, Artificial Enrichment (Propane Gas) Tool**, and Emission Control Service & Repair Manuals. Stations performing biennial smog inspections are required to use a BAR 90 analyzer~~

~~as of 7/1/90 pursuant to Section 44036 of the Health and Safety code. Stations in geographic areas where only change of ownership inspections are performed may retain the use of a BAR 80 or BAR 84 analyzer until 1/1/92, at which time a BAR 90 analyzer is required. Emission Control Application Guide for the following years are required: 1966 to current for domestic vehicles; 1968 to current for foreign cars and trucks. Emission Control Tune-Up, Diagnostic and Repair Manuals are required for types of vehicles tested and repaired at station. Stations should be aware that bar code reader may be a required addition to BAR 90 Analyzer after program start-up.~~

~~APPLICANT'S BACKGROUND: This Section must be Completed in its entirety. Any applicable information not provided may result in denial of this application of legal action later to revoke this license.~~

~~SIGNATURE: Sign and date the application. Your signature affirms that all required equipment and manuals are present and in satisfactory condition and that all statements are true and correct. Any false statements made on this application may results in denial of the application or legal action later to revoke this license.~~

~~FEE: PLEASE ENCLOSE \$100.00 APPLICATION FEE, CHECK OR MONEY ORDER, WITH YOUR COMPLETED APPLICATION.~~

~~DO NOT SEND CASH~~

~~Figure 1 (Back)~~

~~Note: Authority cited: Sections 44002 and 44034, Health and Safety Code; and Sections 163.5 and 9882, Business and Professions Code. Reference: Sections 44030, 44033 and 44034, Health and Safety Code.~~

- (4) Amend Section 3340.15 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.15. General Requirements for Smog Check Stations.

A smog check station shall meet the following requirements for licensure and shall comply with these requirements at all times while licensed.

(a) The testing and repairing of vehicles shall be performed only in a work area of the station that has been approved by the bureau during the licensing inspection. Other work may be performed in the approved area, as desired. Except for heavy-duty vehicles, the work area shall be within a building and shall be large enough to accommodate the type of vehicle being serviced. In the case of the testing and repair of heavy-duty vehicles the work area need not be in a building, but the emissions inspection system used at the station may only be used within a building. The work area shall be kept clean and orderly.

(b) During all hours the station is open for the business of testing and/or repairing vehicles pursuant to the Smog Check Program, an inspector or technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, shall be present.

~~(c) A smog check station shall not have in its employ more than two intern technicians at any given time. The repairs or adjustments made by intern technicians at smog check stations to emissions control systems on vehicles subject to the Smog Check Program shall be performed under the direction of a supervising technician that is on the premises of the smog check station at the time of the repair or adjustment.~~

~~(d) The station license and, inspector, and/or technician licenses shall be posted prominently under glass or other transparent material in an area frequented by customers.~~

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Note: Authority cited: Section 44002 and 44030, Health and Safety Code; and Section 9882 and 9884.9(b), Business and Professions Code.
Reference: Sections 44014, 44030, 44032, 44033, 44036, 44037 and 44045.5, Health and Safety Code.

- (5) Add Section 3340.16.4 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

3340.16.4. Smog Check Repair-Only Station Requirements.

(a) A smog check repair-only station operating in any program area shall have the equipment and materials specified by, and conform to the requirements of, subsection (a) of section 3340.16 of this article except for paragraphs (1) and (9) and, in addition, shall have engine diagnostic equipment and repair tools that are capable of diagnosing and repairing engine ignition systems, fuel systems, emission control systems, computer engine control systems, and other related components for each vehicle type that the station diagnoses and repairs. The equipment or repair tools may be separate units, or part of a multi-functional unit. At a minimum, the station shall have the following materials, tools, and equipment:

(1) An ignition analyzer or ignition oscilloscope capable of displaying ignition system operation of vehicles subject to the smog check program. At a minimum, the device shall display:

(A) Primary ignition system voltage and coil oscillations; and

(B) Firing voltage and spark duration of the secondary ignition in either analog or digital form. For distributor-equipped systems, the device shall be capable of displaying this information for all cylinders at the same time.

(2) A compression tester.

(3) A tachometer/dwell meter.

- (4) A fuel pressure gauge capable of measuring the higher pressures of fuel-injected vehicles.
- (5) A propane enrichment kit.
- (6) An ammeter capable of measuring amps and milliamps.
- (7) A high impedance digital volt/ohmmeter.
- (8) Hand tools necessary to adjust, maintain, and repair vehicular ignition, fuel delivery, and emission control systems.
- (9) Diagnostic and repair information for all vehicles being tested and repaired. Such information may be in printed or electronic form and may be nationally distributed and periodically updated references that contain repair and emission procedures. These references must be up to date and include current model year supplements for automobile emission control systems. Electronic references shall be provided in printed form upon request from the bureau.
- (10) The most currently available bureau test and repair manuals.
- (11) Automotive computer diagnostic and repair manuals.
- (12) Electronic component location manuals.
- (13) A device capable of retrieving trouble codes from vehicles with on-board computers, along with instructions on how to extract codes, and definitions of codes. This device shall have the ability to display and store data streams from the on-board computer systems of vehicles. The device shall be On-Board Diagnostic II compliant, and shall have enhanced diagnostic test modes. Diagnostic data modules required to operate the device shall be kept updated to the current available calendar year.
- (14) An electronic device capable of graphically displaying any electrical or electronic signal used by an automotive computer system. The device shall have the capability of displaying the electrical or electronic signal using a voltage and time scale that is adjustable. The device shall have the capability of capturing and displaying a high frequency abnormal signal, regardless of time per division setting, or screen refresh rate. This device may be a separate unit, or be part of a multifunctional unit that also serves to fulfill one or more of the requirements of subsection (a) above.
- (15) A tire pressure gauge capable of accurately measuring tire pressure.
- (b) A station may be licensed and operate without the equipment prescribed in subsection (a) paragraphs 1, 3 and 5 if that station, as a matter of policy, repairs vehicles powered by diesel engines or engines origination from diesel compression ignition designs only.
- (c) All diagnostic and repair equipment shall be, as necessary, calibrated or adjusted in accordance with the instructions of the manufacturer, and maintained in good working condition.

(d) A smog check repair-only station shall not accept a vehicle for repair if any of the following conditions apply:

(1) The station does not have adequate equipment, personnel, tools or reference materials to repair the vehicle, should the vehicle fail its inspection; or

(2) The station, as a matter of policy, does not repair certain types, makes or models of vehicles; or

(3) The station, as a matter of policy, does not repair certain types of vehicle inspection failures.

(e) Smog check repair-only stations shall not refer a vehicle owner to a particular test-only station for the testing and certification of a vehicle that has been directed to a test-only station for its biennial smog check pursuant to Section 44010.5 and 44014.7 of the Health and Safety Code.

(f) A smog check repair-only station shall not have ownership in, corporate interest in, nor any financial interest in a smog check test-only station within a geographical radius of 50 statute miles of the repair-only station.

Note: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44010.5, 44012, 44014.5 (e), 44014.7, 44030(b) and 44036(b), Health and Safety Code.

- (6) Amend Section 3340.16.5 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

3340.16.5. Test-and-Repair Station Requirements.

(a) A smog check test-and-repair station operating in ~~a basic~~ any program area shall have the equipment and materials specified by, and conform to the requirements of, subsection (a) of section 3340.16 and subsection (a) of section 3340.16.4 of this article. ~~and, in addition, shall have engine diagnostic equipment and repair tools that are capable of diagnosing and repairing engine ignition systems, fuel systems, emission control systems, computer engine control systems, and other related components for each vehicle type that the station diagnoses and repairs. The equipment or repair tools may be separate units, or part of a multi-functional unit. At a minimum, the station shall have the following materials, tools, and equipment:~~

~~(1) An ignition analyzer or ignition oscilloscope capable of displaying ignition system operation of vehicles subject to the smog check program. At a minimum, the device shall display:~~

~~(A) Primary ignition system voltage and coil oscillations; and~~

~~(B) Firing voltage and spark duration of the secondary ignition in either analog or digital form. For distributor equipped systems, the device shall be capable of displaying this information for all cylinders at the same time.~~

~~(2) A compression tester.~~

~~(3) A tachometer/dwell meter.~~

~~(4) A fuel pressure gauge capable of measuring the higher pressures of fuel injected vehicles.~~

~~(5) A propane enrichment kit.~~

~~(6) An ammeter capable of measuring amps and milliamps.~~

~~(7) A high impedance digital volt/ohmmeter.~~

~~(8) Hand tools necessary to adjust, maintain, and repair vehicular ignition, fuel delivery, and emission control systems.~~

~~(9) Diagnostic and repair information for all vehicles being tested and repaired. Such information may be in printed or electronic form and may be nationally distributed and periodically updated references that contain repair and emission procedures. These references must be up to date and include current model year supplements for automobile emission control systems. Electronic references shall be provided in printed form upon request from the bureau.~~

~~(10) The most currently available bureau test and repair manuals.~~

~~(11) Automotive computer diagnostic and repair manuals.~~

~~(12) Electronic component location manuals.~~

~~(13) A device capable of retrieving trouble codes from vehicles with on board computers, along with instructions on how to extract codes, and definitions of codes. This device shall have the ability to display and store data streams from the on-board computer systems of vehicles. The device shall be On Board Diagnostic II compliant, and shall have the Enhanced E/E Diagnostic Test Modes capabilities as noted in the Society of Automotive Engineers' document number J2190 dated June 1993. Diagnostic data modules required to operate the device shall be kept updated to the current available calendar year.~~

(b) A smog check test-and-repair station operating in an enhanced area shall have all of the equipment and materials specified by, and conform to the requirements of subsection (a) above, and:

(1) An emissions inspection system in accordance with the bureau's BAR-97 Emissions Inspection System Specifications as provided in subsection (b) of section 3340.17 of this article.

~~(2) An electronic device capable of graphically displaying any electrical or electronic signal used by an automotive computer system. The device shall have the capability of displaying the electrical or electronic signal using a voltage and time scale that is adjustable. The device shall have the capability of capturing and displaying a high frequency abnormal signal, regardless of time per division setting, or screen refresh rate. This device may be a separate unit, or be part of a multifunctional unit that also serves to fulfill one or more of the requirements of subsection (a) above.~~

~~(3) A tire pressure gauge capable of accurately measuring tire pressure at the specification for the vehicles being tested and inspected using the loaded mode test procedure.~~

(c) A smog check test-and-repair station that has accepted a vehicle for inspection shall disclose both orally and in writing on the written estimate provided pursuant to Section 9884.9 of the Business and Professions Code, before the initial inspection of the vehicle, if the vehicle is potentially affected by any of the following conditions:

(1) The station does not have adequate equipment, personnel, tools or reference materials to repair the vehicle, should the vehicle fail its inspection; or

(2) The station, as a matter of policy, does not repair certain types, makes or models of vehicles; or

(3) The station, as a matter of policy, does not repair certain types of vehicle inspection failures.

(d) Smog check test-and-repair stations shall not refer a vehicle owner to a particular test-only station for the testing and certification of a vehicle that has been directed to a test-only station for its biennial smog check pursuant to Section 44010.5 and 44014.7 of the Health and Safety Code. Test-and-repair stations shall make available to each customer that presents a test-only directed vehicle for initial testing a list prepared by the bureau of those smog check test-only stations in that region licensed to perform initial tests of, and to certify test-only directed vehicles. Stations and technicians are prohibited from altering or revising the list supplied by the bureau. For the purpose of this subsection, the term "make available" means to grant access to.

(e) A smog check test-and-repair station shall not have ownership in, corporate interest in, nor any financial interest in a smog check test-only station within a geographical radius of 50 statute miles of the test-and-repair station.

Note: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44012, 44014.5 (e), 44030(b) and 44036(b), Health and Safety Code.

- (7) Amend Section 3340.17 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.17. Test Equipment, Electronic Transmission, Maintenance and Calibration Requirements.

(a) Each smog check test-only and test-and-repair station operating in other than an enhanced program area shall have a BAR certified emissions inspection system, as specified in subsection (b), except that the hardware and the software necessary to conduct dynamometer based, loaded-mode emissions shall not be required. Vehicle data emission test results shall be transmitted to the department's centralized data base in accordance with the procedures contained in the specifications referenced in subsection (b), which include the form, manner and frequency of data transmittals. The emissions inspection system shall be maintained and calibrated in accordance with the specifications referenced in subsection (b), and in accordance with the manufacturer's specifications. The emissions inspection system shall have the most current software and hardware updates required by the bureau.

(b) Each smog check test-only and test-and-repair station operating in an enhanced area shall have a BAR-certified emissions inspection system that meets the specifications contained in the BAR-97 Emissions Inspection System Specifications dated May 1996, as revised through July 2009, hereby incorporated by reference. Vehicle data emission test results shall be transmitted to the department's centralized data base in accordance with the procedures contained in these specifications, which include the form, manner and frequency of data transmittals. The emissions inspection system shall be maintained and calibrated in accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in this subsection, and in accordance with the manufacturer's specifications. The emissions inspection system shall have the most current software and hardware updates required by the bureau.

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Note: Authority cited: Sections 44002, 44036 and 44037.1, Health and Safety Code; and Section 9882, Business and Professions Code.
Reference: Sections 44012, 44036 and 44037.1, Health and Safety Code.

- (8) Amend Section 3340.22 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.22. Smog Check Station Signs.

Each smog check test-only and test-and-repair station shall display an identifying sign that meets the following specifications:

- (a) Dimensions. The sign shall be 24 inches wide and 30 inches high.
- (b) Sign Material. The sign shall be made of 0.040 aluminum or steel.
- (c) Content. Camera-ready design and content of the sign shall be supplied by the bureau.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Section 44033(a), Health and Safety Code.

- (9) Amend Section 3340.22.1 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.22.1. Smog Check Station Service Signs.

(a) Separate sign requirements shall apply to the following types of stations which provide smog check program services:

(1) Smog check test-only stations.

(2) Smog check repair-only stations.

~~(2)~~(3) Smog check stations which only inspect and/or repair heavy-duty vehicles.

~~(3)~~(4) Smog check stations which do not inspect and/or repair heavy-duty vehicles.

(5) Smog check stations that only inspect and/or repair vehicles powered by diesel engines or engines originating from diesel compression ignition designs.

(b) The service signs required by subdivision (a) shall be made of 0.040 aluminum or steel stock and shall be 24 inches wide and 8 inches high. Camera-ready design and content of required signs are available from the bureau upon request.

(c) Service signs shall be securely attached to the bottom of or immediately below the smog check station signs required by section 3340.22 of this article. Attachment shall be by ring, hook, bracket, or similar device.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44033(a) and 44045.5, Health and Safety Code.

- (10) Amend Section 3340.23 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.23. Licensed Smog Check Station That Ceases Operating As a Licensed Station.

A smog check station shall cease performing the functions for which it has been licensed when it no longer has in its employ an inspector or technician, licensed for the appropriate category of vehicle being tested or repaired ~~and the appropriate area~~, or when its license has expired or has been surrendered, suspended, or revoked. Such station must dispose of materials related to its formerly licensed activity according to these provisions:

(a) Loss of Services of Licensed Inspector or Technician. A licensed station that no longer has in its employ a smog check inspector or technician, licensed for the appropriate category of vehicle being tested or repaired ~~and the appropriate area~~, shall immediately remove or cover the smog check station sign in accordance with subsection (b) of this section. If the station does not have in its employ, within 60 days, a smog check inspector or technician, licensed for the appropriate category of vehicle being tested or repaired ~~and the appropriate area~~, the station shall surrender its station license to the bureau and shall return to the bureau all unused certificates of compliance and noncompliance.

(b) Removal of Sign. A licensed station that is no longer authorized to perform the function for which it was licensed shall remove or cover the smog check station sign.

(c) Return of Certificates. When a station license has expired or has been surrendered, suspended or revoked, the station shall return to the bureau all unused certificates purchased by the station.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030(a) and (b), 44031, 44032, 44033 and 44045.5, Health and Safety Code.

- (11) Amend Section 3340.28 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.28. Licenses and Qualifications for Technicians.

(a) There are the following technician licenses in the Smog Check Program:

(1) ~~The Intern Technician license which allows an individual, under the direction of a supervising licensed Smog Check technician, to perform repairs or adjustments to the emissions control systems on failed vehicles subject to the Smog Check Program at smog check stations in all areas of the state. The Intern Technician license expires in two years, is nonrenewable and shall be issued to an individual only once.~~ Smog Check Inspector. The Smog Check Inspector license allows an individual to inspect, and certify the emissions control systems on vehicles subject to the Smog Check Program in all areas of the state. The Smog Check Inspector license expires pursuant to the requirements in subsection (d) of section 3340.29 of this Article.

(2) Smog Check Repair Technician. ~~The Basic Area Smog Check Repair Technician license which allows an individual to inspect, diagnose, adjust, and repair and certify the emissions control systems on vehicles subject to the Smog Check Program at smog check stations in all areas of the state designated as basic vehicle inspection and maintenance program areas. The Basic Area Smog Check Repair Technician license expires pursuant to the requirements in subsection (e)(d) of section 3340.29 of this Article.~~

~~(3) The Advanced Emission Specialist Technician license which allows an individual to inspect, diagnose, adjust, repair and certify the emissions control systems on vehicles subject to the smog check program at smog check stations in all areas of the state. The Advanced Emission~~

~~Specialist Technician license expires pursuant to the requirements in subsection (e) of section 3340.29 of this Article.~~

(b) ~~The qualifications to take an examination for technician licenses are as follows:~~ Smog Check Inspector Qualifications.

~~(1) The Intern Technician license does not require an examination. To qualify for the Intern Technician license, the applicant must provide satisfactory evidence of successful completion within the last two years of the bureau's Clean Air Car Course. The qualification to take the Clean Air Car Course is one year of automotive experience or equivalent automotive training courses in the engine performance area as determined by the bureau certified course instructor.~~

~~(2) The Basic Area Technician license~~ The Smog Check Inspector license requires an examination. The qualifications to take the examination for the ~~Basic Area Technician~~ Smog Check Inspector license are:

(1) The applicant must provide proof, satisfactory to the bureau, of:

(A) The successful completion of bureau specified engine and emission control training within the last two years; or

(B) At the bureau's discretion, successfully complete and pass a bureau specified competency assessment within the last two years, and successfully complete and pass the bureau's smog check training within the last two years; or

(C) The applicant must provide proof, satisfactory to the bureau of meeting the Smog Check Repair Technician qualifications established in paragraph (c) (1) or (2) of this section, and successfully complete and pass the bureau's smog check training within the last two years.

~~(A) The applicant must provide satisfactory evidence of:~~

~~1. Possession of a valid and unexpired Intern Technician License and one year of experience as a licensed Intern Technician; or~~

~~2. Possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology from a state accredited or recognized college, public school, or trade school, and the successful completion within the last two years of the bureau's Clean Air Car Course; or~~

~~3. Possession of a certificate in automotive technology from a state accredited or recognized college, public school, or trade school with a minimum of 360 hours course work in the engine performance area, and the successful completion within the last two years of the bureau's Clean Air Car Course; or~~

~~4. Possession of a valid and unexpired Basic Area or Advanced Emission Specialist smog check technician's license; or~~

~~5. Successful completion within the last two years of the bureau's Clean Air Car Course. The qualifications to take the Clean Air Car Course (for those not possessing a degree or certificate as provided in paragraphs (2)(A)2. and (2)(A)3. of this subsection) are one year of automotive experience or equivalent automotive training courses in the engine performance area, as determined by the bureau certified course instructor.~~

~~(B)1. The applicant must provide satisfactory evidence of unexpired certification, which may be from the National Institute for Automotive Service Excellence, in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1), or~~

~~2. The applicant must provide satisfactory evidence of completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code. The training program must have been completed within the last five years.~~

~~(C)(2) Update Training. The bureau may require update training as part of the requirements for license renewal. An applicant for an initial license or renewal of a Smog Check Inspector license must provide proof, satisfactory to the bureau, evidence of successful completion of bureau certified specified update training courses. Update training courses provide training on new automotive technology that affects emission testing and/or repairs. Update training need not exceed 20 hours. Technicians At the bureau's discretion, a Smog Check Inspector may take a challenge test in lieu of taking the course update training, at the bureau's discretion. Technicians who elect to take the challenge test shall take it at a bureau certified training institution that is certified to provide that update training course. Information regarding update training courses will be available through a bureau toll free telephone number, published in the technician license renewal notice.~~

~~(3) The Advanced Emission Specialist Technician license requires an examination. The qualifications to take the examination for the Advanced Emission Specialist Technician license are:~~

~~(c) Smog Check Repair Technician Qualifications. The Smog Check Repair Technician license requires an examination. The qualifications to take the examination for the Smog Check Repair Technician license are:~~

~~(A)(1) The applicant must provide proof, satisfactory to the bureau, of:~~

~~(A) Possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology, from a state accredited or recognized college, public school, or trade school, and one year automotive repair experience in the engine performance area, and successful completion of the bureau's smog check training within the last two years; or~~

~~(B) Possession of a certificate in automotive technology, from a state accredited or recognized college, public school, or trade school with a minimum of 720 hours course work that includes at least 280 hours course work in the engine performance area, and one year of~~

automotive repair experience in the engine performance area, and successful completion of the bureau's smog check training within the last two years; or

(C) A minimum of two years of automotive repair experience in the engine performance area and successful completion of bureau specified engine and emission control training within the last two years; or

(D) The applicant must provide proof, satisfactory evidence of, to the bureau, of certification in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8) and Advanced Engine Performance Specialist (L1) from the National Institute for Automotive Service Excellence, or other such established and nationally recognized automotive repair certification institution as determined by the bureau, and successful completion of the bureau's smog check training within the last two years.

(2) Update Training. The bureau may require update training as part of the requirements for license renewal. An applicant for renewal of a license must provide proof, satisfactory to the bureau, of successful completion of a minimum of 16 hours of bureau specified update training. At the bureau's discretion, a technician may take a challenge test in lieu of taking the update training.

(d) A single license that allows the applicant to perform the services described in subsections (a)(1) and (2) may be issued to applicants who qualify for and pass the exam for both license types.

(e) Upon renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

(f) An applicant for renewal of a Smog Check Repair Technician license who does not possess certification pursuant to paragraph (c)(1)(D) of this section must provide proof, satisfactory to the bureau, of successful completion of the bureau specified diagnostic and repair training within the last five years.

~~1. Successful completion within the last two years of the bureau's Advanced Clean Air Car Course, possession of a valid and unexpired Intern Technician license, and one year of experience as a licensed Intern Technician; or~~

~~2. Successful completion within the last two years of the bureau's Clean Air Car Course and Advanced Clean Air Car Course and possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology from a state accredited or recognized college, public school, or trade school; or~~

~~3. Successful completion within the last two years of the bureau's Clean Air Car Course and Advanced Clean Air Car Course and possession of a certificate in automotive technology from a state accredited or recognized college, public school, or trade school with a minimum of 360 hours course work in the engine performance area; or~~

~~4. Possession of a valid and unexpired Basic Area Technician License, and successful completion of the Advanced Clean Air Car Course within the last two years; or~~

~~5. Possession of a valid and unexpired Advanced Emission Specialist Technician License; or~~

~~6. Successful completion within the last two years of the bureau's Clean Air Car Course and Advanced Clean Air Car Courses. An applicant not possessing a degree or certificate as provided in paragraphs (3)(A)2. and (3)(A)3. of this subsection may qualify to take the Clean Air Car Course by demonstrating one year of automotive experience or equivalent automotive training courses in the engine performance area, as determined by a bureau certified instructor. The applicant may qualify to take the Advanced Clean Air Car Course by successful completion of the Clean Air Car Course within the last two years.~~

~~(B)1. The applicant must provide satisfactory evidence of unexpired certification, which may be from the National Institute for Automotive Service Excellence, in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8) and Advanced Engine Performance Specialist (L1), or~~

~~2. The applicant must provide satisfactory evidence of completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code. The training program must have been completed within the last five years.~~

~~(C) An applicant for an initial license or renewal of a license must provide satisfactory evidence of successful completion of bureau certified update training courses. Update training courses provide training on new automotive technology that affects emission testing and/or repairs. Update training need not exceed 20 hours. Technicians may take a challenge test in lieu of taking the course, at the bureau's discretion. Technicians who elect to take the challenge test shall take it at a bureau certified training institution that is certified to provide that update training course. Information regarding update training courses will be available through a bureau toll free telephone number, published in the technician license renewal notice.~~

~~(4) An optional endorsement to test and repair vehicles powered by gaseous fuel, either solely or in combination with gasoline, is available for the Basic Area Technician and Advanced Emission Specialist Technician licenses.~~

~~(A) An individual wishing to have his/her license endorsed to test and repair vehicles powered by gaseous fuels, either solely or in combination with gasoline, must submit satisfactory evidence of certification in the certification category of Light Vehicle Compressed Natural Gas (F1). Certification may be from the National Institute for Automotive Service Excellence or from completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code.~~

~~(B) The endorsement for gaseous fuels shall be accomplished pursuant to the requirements of subsection (d) of section 3340.29 of this Article.~~

Note: Authority cited: Sections 44002, 44014 and 44045.5, Health and Safety Code; and Section 9882, Business and Professions Code.
Reference: Section 44014, 44031.5(e) and 44045.5, Health and Safety Code.

- (12) Amend Section 3340.29 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.29. Licensing of Inspectors and Technicians.

(a) An applicant for a license as an inspector or technician shall submit an application with appropriate documents to the bureau on form ~~SMOG TECH 1 LICENSE (11/07), "Application for Initial Smog Check Technician License,"~~ (01/11) Inspector/Tech App 1A "Application for Initial Smog Check Inspector, and/or Smog Check Repair Technician License," which is hereby incorporated by reference, together with an application fee of \$20.00. ~~An application shall be rejected, and the fee shall not be refunded, if the applicant fails to include all required documentation, or complete all questions regarding the applicant's background, or otherwise fails to submit a complete original application the fee shall not be refunded and a license shall not be issued. The applicant shall submit a new application with appropriate documents and an application fee of \$20.00 when an application has been rejected for failure to file a complete application.~~

(b) An applicant for an inspector or technician license shall be subject to the following requirements:

(1) An applicant for an inspector or technician license shall pay an examination fee of ~~\$45~~ and successfully complete and pass the appropriate ~~technician~~ examination in order to receive a ~~technician's~~ license.

(2) An applicant that receives a notice of qualification to take an examination, pursuant to section 3303.2 of this Article, shall take the appropriate ~~technician~~ examination within 90 days of receipt of notification of qualification to take the examination. A qualified applicant may attempt to pass the examination two times per application. After two attempts the applicant, or shall again submit an new application to the bureau, pay an application fee of \$20, pay the examination fee and successfully complete and pass the appropriate ~~technician~~ examination.

~~(3) A qualified applicant who fails an examination may take another examination and shall again submit an application to the bureau, pay an application fee of \$20, pay the examination fee, and successfully complete the appropriate technician examination.~~

(c) An initial application shall be subject to the review procedures specified in section 3303.2. of Article 1 of this Chapter.

~~(d) A technician license, except for the Intern Technician license, shall be endorsed for gaseous fuels as follows:~~

~~(1) An individual submitting an application for an initial technician license may have the license endorsed for gaseous fuels by requesting the endorsement on the application and providing proof of qualification pursuant to paragraph (4) of subsection (b) of section 3340.28.~~

~~(2) An individual may have an existing license endorsed for gaseous fuels by submitting a letter to the bureau requesting the endorsement be added to his/her existing license, and providing proof of qualification pursuant to paragraph (4) of subsection (b) of section 3340.28.~~

~~(e) The inspector and technician license shall expire two years from the last day of the month in which the license was issued, unless renewed, suspended, rescinded, or terminated by operation of law. A technician's license shall expire on the last day of the month in which the second birthday of the technician occurs after the date of issuance of the license. Initial License expiration dates are calculated from the date the department is notified that an applicant has passed the licensing examination. The bureau may advance the expiration date to correspond with an existing inspector or technician license expiration date. Once a license has been issued that expires in the birth month, subsequent renewal licenses will expire on the last day of the birth month, two years later.~~ Withholding a license for enforcement purposes, or issuance of a temporary license due to family support obligations, does not change the expiration date as calculated above.

~~(f)(e) To renew a license, the inspector or technician shall submit a renewal fee of \$20 and pay the examination fee, as applicable, and successfully complete and pass the appropriate examination complete application to the bureau prior to the expiration date of the license using form SMOG TECH 2 (11/07), "Technician License Renewal Application," which is hereby incorporated by reference, together with a renewal application fee of \$20.~~

~~(f) The selection of an examination may be based on, but is not limited to, the applicant's professional or vocational certifications, education, experience, and/or disciplinary and citation history, at the bureau's discretion.~~

Note: Authority cited: Sections 44002, 44013(b), 44016, 44031.5, 44034, 44034.1 and 44045.5, Health and Safety Code; and Sections 163.5 and 9882, Business and Professions Code. Reference: Sections 44012, 44014, 44015(a) and (b), 44030(a), 44031.5, 44032, 44034, 44034.1, 44035, 44045.5 and 44045.6, Health and Safety Code; and Section 1798.17, Civil Code.

- (13) Amend Section 3340.30 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.30. General Requirements for Licensed Inspectors and Technicians.

A licensed smog check inspector and/or technician shall comply with the following requirements at all times while licensed:

- (a) ~~A licensed technician shall~~ Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

~~(b) A licensed technician shall m-~~ Maintain on file with the bureau a correct mailing address pursuant to section 3303.3 of Article 1 of this Chapter.

~~(c) A licensed technician shall n-~~ Notify the bureau in writing within two weeks of any change of employment.

~~(d) A licensed technician whose license has expired shall~~ Upon expiration of the inspector and/or technician license immediately cease to inspect, test, or repair failed vehicles, as applicable.

Note: Authority cited: Sections 44002, 44013(b), 44016, 44031.5 and 44034, Health and Safety Code; and Section 163.5, Business and Professions Code. Reference: Sections 44012, 44015(a) and (b), 44030(a), 44031.5, 44032, 44034, 44034.1, 44035, 44045.5 and 44045.6, Health and Safety Code.

- (14) Amend Section 3340.31 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.31. Retraining of Licensed Inspectors and Technicians.

(a) Licensed inspectors or technicians receiving citations pursuant to subdivision (b) ~~if~~ of Section 44050 of the Health and Safety Code, or found lacking in skills pursuant to subdivision (b) of Section 44031.5 of the Health and Safety Code, or found lacking in skills pursuant to subdivision (c) of Section 44045.6 of the Health and Safety Code, shall be required to undergo retraining at institutions and by instructors certified by the bureau pursuant to Sections 44030.5 and 44045.6 of the Health and Safety Code.

(b) Failure by a licensed inspector or technician to complete retraining when required by the department shall be grounds for revocation or suspension of a smog check technician's license, pursuant to section 44045.6 of the Health and Safety Code.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6, 44050 and 44072.2, Health and Safety Code.

- (15) Amend Section 3340.51.1 of Article 6, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§3351.1. Fees

Registration fees are established as follows:

(a) Initial Registration. The initial automotive repair dealer registration fee shall be \$200.

(b) Renewal Registration. The renewal fee shall be \$200, provided that registration is renewed on or before the date of expiration. If not renewed on or before the date of expiration, the renewal fee shall be \$250 which includes a \$50 delinquency fee.

(c) Change of Ownership. A new registration shall be required of the new owner in the event of a change of ownership, as defined in Section 3306(c)(1) of these regulations, and an application for registration accompanied by the initial registration fee in the amount of \$200 shall be submitted to the bureau for such registration.

(d) Change of ~~Firm Business Name or~~ Address, and/or Corporate Officers or Directors. ~~Any In the event of a change in the firm business name (not involving any change in ownership) and, corporate officers or directors, and/or any change in the firm's business or mailing address the licensee or registrant shall submit to the bureau a Change of Name/Address/Corporate Officers or Directors, form R-8 (Rev. 05/25/01), which is hereby incorporated by reference within 14 calendar days or the license and/or registration shall cease to be valid. be promptly communicated to the bureau in writing with a request for a replacement registration certificate. A replacement certificate will be issued to the dealer for the balance of the unexpired term of the registration without charge. Any change in the members of a Limited Liability Company (LLC) require a new application and fees, unless the LLC articles of incorporation expressly indicate that a change of members does not constitute a change of business.~~

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Note: Authority cited: Sections 9882, 9884.19 and 9886.3, Business and Professions Code. Reference: Sections ~~463~~ 136 and 9886.3, Business and Professions Code.